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## When International Dialogue about Military Ethics Confronts Diverse Cultural and Political Practices: 'Guilt and Confession' as a Case in Point

*George R. Wilkes*

### Perspectives on Dialogue about a Common Professional Military Ethics

The present essay compares two approaches to the fact of cultural diversity in the understanding and practice of professional military ethics. A first approach focuses on the shared features visible in ethics teaching in militaries across the world: common points whose broad acceptance gives added power to the sense that there are norms which should govern military behaviour and which cross all cultures. Frequently, this first approach starts either with a list of common virtues, or with a set of moral, legal, organisational or psychological reasons which make sense of the commitment to international law. In the face of pressure to abandon ethical conduct, these tools are expected to strengthen the ethical capacity of a combatant by focusing on a framework in which their motivation and intention are of critical importance.

A second approach instead focuses on questions about an individual's preparation for ethical decision-making, questions that are easily seen as matters of cultural diversity, political context or private conscience. These questions may relate to intention and motivation. They may also focus on practices or social structures deemed to support the ethical life that is not dependent primarily on expectations of right intention or correct judgement. In this second view, these social dimensions are the realities in which ethics are made sense of – they are the environmental factors shaping motivations and driving ethical conduct. In this perspective, it would be missing a crucial part in the process of creating ethical cultures to focus narrowly on a 'lowest common denominator' across all cultures, or to adopt a simplistic declarative approach to making norms effective in real social contexts.

While the pragmatically-inclined reader might be tempted to say both approaches must be kept in mind, the two ways of interpreting the process of making ethics effective do clash: they do not suggest the same understanding of what constitutes a functional approach to ethics. For pragmatic reasons we


may wish to brush this off, although it may well be that an eclectic, pragmatic mix of the two approaches – some universalist assumptions about right intention nuanced by a nod to some examples of practical difficulties presented by cultural diversity – is a weak basis for the process of developing a coherent and functioning practical ethics.

### **The Need for an Interpretive Framework That Embraces the Divergent Perspectives**

The comparison between these two approaches is explored in this essay in relation to guilt and its consequences. Should a combatant who shoots a non-combatant confess? If so, to whom should they confess, and what do they confess? Are these questions matters of professional military ethics? Does professional military ethics education have a place in preparing a virtuous military leader to respond to ethical failings once they have occurred? Or is this a matter only for conscience, for the chaplain, or for military legal experts?

Very different views responding to this question are held, very strongly, by proponents of one or the other of the two approaches to normative behaviour and to cultural diversity in military life that we are exploring here. Because there are such very different answers to this question, the project of defining military ethics through a general consensus about military virtues or about the centrality of international law cannot be taken for granted. One of the principal objectives of the present essay is to show how much there is to gain from an international dialogue which embraces the complexity of factors and responses involved, giving professional military ethics the fullest practical traction in each situation in which they are applied. Neither of the two approaches described above is taken for granted, and neither is dismissed – instead, we will see that the appropriate relationship between the two approaches will differ according to context and to the task at stake. If the essay were to focus on a different set of ethical interests rather than on guilt and confession, the response of the reader might be quite different, and we will return to this in the penultimate and concluding sections of the essay.

How we describe the difference between discourses about military ethics which exclude or which embrace cultural diversity matters very much, the more so if we distinguish one or other approach as more ethical or more legitimate. A spectrum of responses seen in the literature could be described as running from the most *restrictive* to the most *expansive* position. Whereas many introductory accounts define professional military ethics through reference to

a common set of military virtues <sup>1</sup> it is also commonly acknowledged that military educators from different countries use very different philosophical tools in their teaching,<sup>2</sup> and a small number of more sociological studies also reflect upon the extent to which the effective uptake of ethics education is influenced by complicated social realities, and in particular by cultural diversity, a point developed at length in research being developed in the Canadian military, for instance.<sup>3</sup>


A further dimension to the diversity of lenses through which this argument over the nature of military ethics is seen is the reliability of our knowledge about what makes ethics effective. These are not simply poles in an argument over core truths or good norms. Both perspectives also involve judgements about philosophical and practical factors, such as the utility of insisting on moral or philosophical coherence and, in contrast with this, the practical consequences of embracing diversity in inculcating norm-respecting behaviour in a range of military contexts. Add to this the fact that in many institutional contexts, a preference for one or other approach may be fixed, or embedded in institutional culture and not freely chosen, and it is more clear that the spectrum of positions between restrictive and expansive are not a simple reflection of a straight choice: to value universality against a choice to value diversity, or to credit or to wholly discredit the independent force of an ethical education focused on intention and motivation. This essay therefore frames choices about when and whether to exclude or embrace culturally diverse ethical responses in terms of the *strengths* and also the *risks* or the *costs* of each alternative response.

We may, then, acknowledge the force of different answers in different contexts. The spectrum we are examining is different from a straightforward battle between universalism and cultural relativism – it envisages a wider range of factors creating the reality in which ethical decisions are made and are effective. The question posed is not a purely normative question, such as: is it right to take account of divergent cultural norms? It also involves addressing the ways in which ethical discourse is in fact applied: Are professional military ethics seen as distinct from the realm of private or culturally specific morality

1 Paul Robinson, Nigel de Lee, and Don Carrick (ed.), *Ethics Education in the Military* (Ashgate 2008) 1–7.

2 Ibid.

3 E.g., Deanna Messervey and Jennifer M. Peach, 'Battlefield Ethics: What Influences Ethical Behaviour in Operations?' in Gary Ivey et al. (eds), *The Human Dimensions of Operations: A Personnel Research Perspective* (Canadian Defence Academy Press 2014) 83–101.

and guilt, and distinct from assessments of behaviour which is shameful? Do professional military ethics provide responses to moral questions on which universal agreement is hard to envisage? Who are the legitimate judges of a military professional's moral guilt? Who should we trust with judgements about the responses that are appropriate once that guilt is ascertained? Are we to limit the sense of 'guilt' in ethics classes to legal contexts, or should teaching take account of the political nature of judicial procedures, or  popular sensibilities about the morally outrageous, though these may vary greatly? The different approaches to defining international military norms each have real strengths as well as shortcomings. While some will see this lack of clarity as a reason for the framers of professional military ethics education to fix on a lowest common denominator and to ignore points where responses suggest uncertainty, complexity or subjectivity, others will argue that diversity characterises the reality within which military values are formed, and this should not be sidelined. The objective of the present contribution is to articulate ways in which dialogue between different perspectives on these problems can be productive in advancing international understanding about the nature and application of professional military ethics.

### Guilt and Confession: Cultures and Other Diversities

How does guilt come up in teaching and academic writing about military ethics? What kind of expectations are there for a military professional to confess if they believe themselves to be guilty? Guilt is *not* normally treated with systematic attention in military ethics courses, for many reasons; confession even less so. Of course, we will easily see that guilt plays a part in the framing of ethics education, without being the subject of attention in its own right.

One reason for this is the uneasy relationship between legal and social forms of guilt. We have expectations that military professionals will seek to avoid actions that bring guilt, at least in a legal sense. Without defining guilt in the classroom, we may have expectations that students will understand guilt in a certain way, and we may take for granted a set of appropriate practical responses to guilt, instead of seeing how they raise practical problems – pedagogical, social or political problems – that need to be understood in the ethics class.

Illegal actions bring a legal form of war guilt; and this is how we meet guilt<sup>4</sup> in the seminal book *Just and Unjust Wars* by Michael Walzer, a book occasioned

4 Michael Walzer, *Just and Unjust Wars: A Moral Argument with Historical Illustrations* (1st edn, Basic Books 1977) 297–298.

by the Vietnam War. It is sometimes argued that the development of military ethics education has been a response to guilt, or shame, about ethical failure. Thus, in the US, the extent to which formal ethics instruction was spurred by Lieutenant Calley's actions at My Lai is prominent in the literature on the subject.<sup>5</sup> Indicators of the importance of the My Lai massacre are clear in military ethics curriculums elsewhere.<sup>6</sup> Calley's illegal actions are only one reason for which the My Lai massacre has shown the need for ethics education. In the classroom, attention is also given to the actions of the servicemen who resisted his command and who played a part in his arrest. Moreover, the pressure that led to the formalisation of military ethics education was also fed by the negative public response to the veterans of the Vietnam War. But social responses to guilt are not the primary interest for most military ethics educators faced with the subject in class – the place of My Lai in the curriculum focuses attention onto legal guilt and not onto the social framing of guilt. This is a clear feature of the framing for My Lai in Walzer's *Just and Unjust Wars*, too: My Lai is the primary example used in a lengthy section about 'Superior Orders,' again underlining that Walzer is primarily seeking to explore challenges in terms of legally-oriented notions of ethical behaviour and guilt.

A restrictive approach to the normative basis for professional military ethics may owe something to this legal paradigm, though the uneasy relationship between law and morality is a key feature of the academic literature that helped to form professional military ethics curriculums in Western military academies after the Vietnam War. Walzer, for all his debt to the 'legalist paradigm,'<sup>7</sup> does not accept a restrictive approach to teaching about the basis for ethical sensibility: his contribution is an argument based on examples that are culturally and contextually nuanced. For arguments about the fundamental grounds for humanitarian interventions, Walzer argues on the basis of outrage to our collective conscience and cultural sensibilities.<sup>8</sup> His resistance to a reductionist or restrictivist approach is evident, too, in his description of the human sensibilities which makes a soldier who sees the human in the person they target right to feel averse to killing them.<sup>9</sup> Similarly, Paul Ramsey, a second towering and formative voice in the development of a post-war American literature on just

5 See, e.g., Robinson et al., *Ethics Education* (n 1) 33, and David L. Anderson (ed.), *Facing My Lai: Moving Beyond the Massacre* (University Press of Kansas 1998).

6 See, e.g., Robinson et al., *Ethics Education* (n 1) 87, 122, 169.

7 Walzer (n 4) 58–62.

8 e.g., Walzer (n 4) 101–107.

9 Walzer (n 4) 138 f.

war theory and military ethics,<sup>10</sup> used a deeper engagement with Catholic and Protestant moral traditions to raise questions about the state of contemporary legal and ethical debate, instead of relying primarily on legal argument.

There is a broader, cultural dimension to the practical consequences of establishing guilt, which is nevertheless not established or explored in the just war literature inspired by the works of Ramsey and Walzer. Guilt, in the legal model, is individual. It is criminal, it may be rightly punished, and may be judged on the basis of public reason. Confession may be viewed as a core and a rational response to this legal situation: it contributes to the repair to the normative breach that has taken place, and it plays a central role in much of our legal tradition, as a response to guilt and to its appropriate punishment. This legal and rational, individualistic approach to guilt, embedded to some degree in many courses framed along the lines outlined by Walzer, is not entirely free of the complicating social and political contexts that also mark Walzer's account.

Guilt may instead be defined entirely socially: as a social phenomenon, not an individual one. Guilt in this sense has played a historic role in the creation of the moral status of the soldier. This 'moral status' is the phenomenon at the centre of Walzer's approach to ethics in war.<sup>11</sup> It is this status that in many accounts of the nature of military ethics distinguishes the soldier from society at large, so that soldiers will be seen to perform their duty to society. This distinct moral status is a social reality in itself, and in the past at least this has been seen as a role or a duty that soldiers perform because they 'owe' it to society.<sup>12</sup> The different ways in which the relationship between soldiers and society is conceived across cultures has given encouragement to very different ideas about the scope and nature of this guilt, and about the practical consequences of a soldier's guilt.<sup>13</sup>

Guilt, in the more sociological view, is a social and psychological response which is not limited to criminal acts: it is an acknowledgement that an individual or group has incurred a social debt, and this debt is incurred through acts which place a soldier or a collective body beyond the norm accepted in social or political contexts. The subject of a burgeoning literature on the links

10 Paul Ramsey, *The Just War: Force and Political Responsibility* (1st edn, Scribner 1968, 3rd edn 2002).

11 Walzer (n 4) 127, 138 f.

12 George Wilkes, 'Talking About a Combatant's Guilt: Diversity in Public Discourse about Morality in Post-Conflict Truth and Justice' (2015) XIII:24 *Religija i Tolerancija*, 265–277, esp. 267–271.

13 Ibid 271–74.



between ethics and military honour,<sup>14</sup> in this context it is a given that guilt and confession are created by culturally determined institutions. Warrior codes, or honour codes, are a feature of military institutions, which have their own cultures and which reflect broader social norms and practices. Honour codes reflect very different cultural sensibilities about guilt and confession, ranging from those which treat guilt and confession as a reflection of military discipline, or personal integrity, to those which prefer suicide instead of public confrontation with guilt or failure – think of the literature on the samurai.<sup>15</sup> Following perhaps the most noted account of the continuing impact of samurai culture on modern Japanese military culture, that of the anthropologist Ruth Benedict,<sup>16</sup> scholars have distinguished between some societies as being built on cultures of shame (which is not spoken of nor reasoned about) and others founded on guilt (which is spoken of and can be reasoned about). Amongst anthropologists, the generalisations involved in describing cultures in this way remains contested, as does the confidence with which outsiders (and not-unbiased Westerners) have used the distinction to distinguish between Western and non-Western societies. In the literature on historic and current uses of honour in the military, however, the distinction set out by Benedict is not used to describe individual motivation so much as institutional forms, and it appears to remain a serviceable conceptual framework in continuing use.

In the context of honour codes, what is elsewhere described as guilt or wrong is also rendered as dishonourable behaviour. The notion is embedded in very real social and historical contexts and practices of punishment or redemption. The codes respond to a social reality which goes far beyond Walzer's focus, which is more narrowly to explain the force of declarative definitions of what is just and what unjust. These codes are based not on international law or virtue ethics alone, but on the encounter between stable social norms and the changing conditions in which militaries conduct themselves. New conditions may destroy stable honour codes, as the military historian Michael Howard has pointed out in describing the ineffectual complaints of fifteenth century European moralists about the introduction of cannons and hand held guns.<sup>17</sup>

14 E.g., Paul Robinson, *Military Honour and the Conduct of War* from Ancient Greece to Iraq (Routledge 2006); French 2003, Christopher Coker, *Waging War Without Warriors: The Changing Culture of Military Conflict* (Lynne Rienner 2002); Christopher Coker, *The Warrior Ethos: Military Culture and the War on Terror* (Routledge 2007).

15 See, e.g., Coker, *Waging War* (n 14) esp. 1–7, and Coker, *The Warrior Ethos* (n 14) esp. 108–109.

16 Ruth Benedict, *The Chrysanthemum and the Sword* (Houghton Mifflin 1946).

17 Michael Howard, *War in European History* (OUP 1976) 13–14.



Moralists at the time spoke of the guilt of those militaries using gunpowder, and they spoke with all the force of the cultures that empowered them to define guilt, though they made no great impact on the practice of warfare at the time and ultimately it was the honour code, not the military practice, which had to change.

Cultures of guilt and confession can impact on the military profession in still other ways that imply some social realism or cultural realism. In a range of cultures, guilt is not just the soldier's fate when breaching the laws of war. A special moral status is also taken on by the act of bearing arms. This distinct moral status is often ceremonially acknowledged again in setting out to war. This special status could be described as a socially understood form of guilt, where guilt is created when an individual or group is understood to owe a debt to society. One practical consequence of this guilt is the exclusion of soldiers from normal society, a formal exclusion which can take many forms. Confession is one of the possibilities whereby societies may provide redemptive mechanisms allowing soldiers back into society. An Orthodox Christian who sets out to war, for instance, may, following canon law, be declared ineligible to take communion for as long as they are at war.<sup>18</sup> At the end of the First World War, the Serbian Orthodox Church required of soldiers in the army that they confess before they demobilized and reintegrated into society. In this example, we can see that bearing arms may be honourable and yet may still incur a social form of guilt, of indebtedness. Similarly, from the onset of war, the warrior in service from ancient Greek and Roman times could be seen to take on the status of a sacrifice, paying a price on behalf of their society which was owed – which they were not free to avoid.<sup>19</sup> If this is not moral or legal guilt in the sense that Michael Walzer uses it, it is nevertheless subject to the same basic mechanism as that which requires that professional soldiers today risk the ultimate sacrifice for their society and its values. Military professionals today take on a moral status which they are not free to avoid, and the most common assumption is that this is justified not only by their virtue but by the debt they owe to the society for which they fight. In return, society will owe also the honourable soldier a debt – though this may be subject to very different practical, social and political understandings.

18 Philip LeMasters, 'Orthodox Perspectives on Peace, War and Violence' (2011) 63 (1) *Ecumenical Review* 54–61, here 55.

19 For a sophisticated discussion of the various sacrifices involved in Greek battle, see W. Robert Connor, 'Early Greek Land Warfare as Symbolic Expression' (1988) 119 (1) *Past & Present* 3–29.

The culture of confession may similarly be rationalised, or idealised, or it may be skewered in the more realistic gaze of the sceptic. Confession was a core feature of the model of truth and reconciliation pioneered in Latin America and in South Africa in the 1990s, a model that has produced a vigorous debate about the morality of forcing statements of confession in exchange for inclusion in a collective, social and political, catharsis.<sup>20</sup> Confession is also quietly encouraged in judicial contexts such as the International Criminal Court for the Former Yugoslavia, more in order to provide an opportunity to enter a plea for lenience or to show contrition for the sake of the victims, and much less to add to the historical record or to join a cathartic moment in transitional justice.<sup>21</sup> However, this encouragement is not based on a universal recognition of the need for or the value of confession. Confession has not been modelled by any party in the peace process in Northern Ireland. Lacking a common international standard for post-atrocity confession, the attempt to initiate new forms of institutionalised confession in judicial or quasi-judicial settings has created a mass of precedent, both successful and contested. Very little has been published on the implications this precedent may have for confessions internal to the military. Should confession be made to victims, or to a court, to a superior officer or a chaplain? Cultures of confession differ greatly: what is deemed proper to confess varies, the proper means of confession varies, and the proper audience for a confession varies. The gravity of the misconduct at issue means that there is also a natural political element which affects discourse about appropriate cultural norms for confession, as can be seen, for instance, in the very divided Israeli public discourse on the subject.

An insight into Israeli experience is presented here to show how confession may take a recognisable social form without the need for a formal judicial or a religious context. After each successive war, and most publicly following the 1967 war, Israelis have been treated to the publication of ever more extensive confessions from soldiers who remain in service, mostly as reservists. The model for this form of publication, recently republished with the inclusion

20 For an introduction to the range of appreciative and more critical perspectives, see Patricia B. Hayner, *Unspeakable Truths: Transitional Justice and the Challenge of Truth Commissions* (2nd edn, Routledge 2010) and Thomas Brudholm, *Resentment's Virtue: Jean Améry and the Refusal to Forgive* (Temple University Press 2008).

21 Pierre Hazan, 'Trading confessions for withdrawal of charges in former Yugoslavia,' 24 July 2015 <http://www.justiceinfo.net/en/component/k2/1387-trading-confessions-for-withdrawal-of-charges-in-former-yugoslavia.html> offers a helpful critical review of this tendency, building on earlier work in Pierre Hazan, *Justice in a Time of War: The True Story Behind the International Criminal Tribunal for the Former Yugoslavia* (Texas A & M University Press 2004).

of previously censored passages, was a set of interviews with kibbutz reservists who had served in the 1967 war, *The Seventh Day*.<sup>22</sup> Before this, there were already confession-like reports of atrocity in the Hebrew press in 1948, some presented as literary accounts by some of the country's best-known soldier-authors. It would be wrong to assume that these confessions imply some secretive national policy with regards to atrocities, though soldiers as in any army respond to a range of perceived pressures in preferring not to take reports up the chain of command or to go public. This was a phenomenon supported by senior politicians.<sup>23</sup> It would also be wrong to assume that the decision of individuals to make their confessions public implies that they believe that abuses are prevalent or the system is unworkable, since these public confessions also reflect an relatively normal, if contested, means of civic or public engagement. The 1967 confessions were for a long time anonymous, though with republication the participants have been revealed to include prominent young intellectuals such as the novelist Amos Oz and historian Abraham Shapira.<sup>24</sup> Participants were seen by some to be soul searching, proving their moral integrity, and by others to be 'shooting and crying,' possibly (critics add) for party political gain.

These critiques have persisted as new waves of confessions appeared following successive IDF engagements. Subsequently, such published confessions have often remained anonymous, confessions that encompass both actions that soldiers were involved in, and actions that they witnessed and for which they express a sense of shame. The organisation Breaking the Silence, founded in 2004, has been the most prominent publisher of these confessions,<sup>25</sup> directing public attention to them as evidence of the impossibility of maintaining a moral compass while also enforcing a long-term military occupation in the West Bank. In a recognisable part of the Israeli social and political landscape (commonly identified with secularist Zionism and with the political Left), these soldiers are lionised for their confessions. Further rightwards, critics<sup>26</sup>

22 Abraham Shapira (ed.), *The Seventh Day: Soldiers Talk about the Six Day War* (Penguin 1970).

23 On the mass circulation of Alterman's poem *About This* thanks to Prime Minister David Ben-Gurion, also referring in passing to the popular works of S. Yizhar, see Yair Auron, 'Breaking the Silence: The Poem that Exposed Israeli War Crimes in 1948,' *Haaretz*, 18 March 2016. <http://www.haaretz.com/israel-news/.premium-1.709439>.

24 Gili Izikovich, "'The Seventh Day': Censored Voices from the 1967 War,' *Haaretz*, 7 June 2015, <http://www.haaretz.com/israel-news/1.659923>.

25 <http://www.breakingthesilence.org.il/testimonies/publications>.

26 Represented by the selection of articles presented at [http://www.ngo-monitor.org/ngos/breaking\\_the\\_silence\\_shovirm\\_shtika/](http://www.ngo-monitor.org/ngos/breaking_the_silence_shovirm_shtika/).

fully reject the content and the political use of their statements, above all on the grounds that they break faith with the nation by disseminating false impressions to an international audience which does not grasp the real situation on the ground. Controversy notwithstanding, the form of anonymous confession appears to be established as a reflection of the public personality of at least a part of the Israeli social establishment. As fierce as the critiques they evoke may be, these are not voices from an unassimilated social margin. They speak from a basis of widely-held assumptions about the military covenant, and provoke dispute precisely because, in form as well as content, they invoke norms of behaviour and belief that are instantly recognisable as significant in Israeli society. In sum, Israelis can be said to have a culture of public and often anonymous confession. This culture reflects the social and political conditions of the nation. The same culture is lacking in many other states in which combatant behaviour is supposed to be governed by similar norms or standards.

This cultural reality need not be understood through a normative lens at all, meaning that confession need not be understood to have anything to do with distinctive or deeply held social or cultural norms. A more realist or more cynical approach to confession may wholly reject the notion that confession creates a basis for virtuous and rational reparation after a crime. In the critical literature on 'Truth and Reconciliation' processes, this expectation is often seen as a reflection of a 'religious' idealism that is removed from the psychological needs of the victims of gross violations of their rights.<sup>27</sup> More critically still, the act of confession in a truth and reconciliation process may be viewed as an act of political power – as victor's justice. In this political perspective, well known from the writings of Michel Foucault, confession is not only an act of individual or political agency; it is also an act of political submission.<sup>28</sup> Confession is, as Foucault underlined, a distinctively Western method through which societies have exercised power over individuals and groups. In Foucault's account, power relationships are 'performed' through the circumstances of confession. In the context of the 'Truth and Reconciliation' process, confession becomes an instrument to regain social legitimacy – to gain forgiveness from those who exercise control over that legitimacy. While this is most evident of public confessions in a truth and justice commission, it is also true of private confessions, conducted perhaps via a pastor or priest. It may also be seen that this Foucauldian political framing may also be placed on the Israeli soldiers' anonymised confessions, which are ostensibly intended to achieve a symbolic

27 See, e.g., Brudholm (n 20), *passim*.

28 See, e.g., Michel Foucault, *Wrong-Doing, Truth-Telling: The function of avowal in justice* (Chicago University Press 2014).

form of collective redemption and an eventual political change: the soldiers make an appeal to a wider social and political order to which commanding officers and political leaders are supposed to be subject.

The practical importance of this social level of discourse about dealing with perceived guilt is a commonplace in the contemporary public debate about the need for a reinforced military covenant, notably in the USA and UK.<sup>29</sup> Absent some form of communication or some institutional understanding with society covering expectations about the relationship between soldier behaviour, military norms and civilian values, veterans may easily experience their return to normal society as alienating. The victory parade can be easily taken to be the most obvious marker for this transition, significant for its absence, for instance, following the Vietnam War. In some cultures, as in Serbia following the First World War, a ritual form for confession on return from war is also seen as important. This confession grants military professionals symbolic social acceptance, though the act of killing in war is itself not intended to be approved by the Church which grants a soldier absolution, the freedom to continue to take communion, and the publicly acknowledged ability to rejoin society.

The social or cultural forms may differ greatly – the importance of this social framework is nevertheless clearly common across cultures. Guilt, viewed through this wider cultural lens, remains the flipside of a powerful social mechanism, which can be driven by collective norm enforcement and which focuses not only on individual, criminal guilt. Institutions that promote professional military ethics may take very different approaches to the impact of this mechanism: to minimise it or to channel it. They may, on the one hand seek to direct professionals to deal with post-conflict reckoning through more rationalistic means, or through an individualistic account of guilt and its consequences. Alternatively they may seek to relate the military professional's experience to the social reality they will rejoin. The relationship between these two is likely to be publicly disputed. It will be the more complex the more this social reality is engaged with. An attempt to define it in terms of a military covenant will only touch on a part of the reality.

For the purposes of the international, cross-military perspective invoked in the present discussion, it is enough that we allow that the choices available to military professionals – and the practical costs and benefits of each choice – will appear to be different in different cultures and in different contexts.

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29 E.g., Anthony Forster, 'The Military Covenant and British Civil-Military Relations' (2012) 38 (2) *Armed Forces & Society* 273–290.

### **Practical Grounds for Embracing Points of Cultural Diversity in International Dialogue about Military Ethics**

In what follows, we explore ways in which cultural divides may make a practical difference in a military context.

At the practical level, there is no simple opposition or linear relationship between the types of restrictive or expansive choices we might make in thinking about professional military ethics education and cultural diversity. The very different types of problem for which cultural diversity appears a matter of practical relevance imply that we may make very different choices about including or excluding this diversity according to context.

Restrictive approaches to the teaching of military ethics are not all alike – they may rest on very different practical grounds. To some, cultural diversity may be seen to make a fundamental difference in reality, but in their institutional context there may nevertheless be good reasons not to teach it. We may, thus, for entirely practical reasons, see the need to restrict our notion of military ethics to a professional common ground – perhaps associated with a core set of military virtues or values – regardless of an initial inclination towards an expansive approach. As a consequence of this, formal teaching may relegate issues of guilt to the private sphere, implying a belief that what follows from guilt does not matter in the inculcation of professional ethics, or believing that these matters ought not to interfere with rational military decision-making. Even if we do accept that social guilt and other cultural or psychological drivers of ethical behaviour make a difference, these may still be best avoided on the grounds that this undermines the clarity of teaching, or because these would undermine the commitment of our professionals to the agreed international legal standard. Perhaps, as is common, the topic of guilt will be seen to reflect a level of complexity which is not appropriate for an ethics component in basic training for the lower ranks, assuming that it is credible that a core set of virtues that transcend cultures will have a straightforward purchase on recruits from a particular culture. Very different types of restrictive approach may therefore be imagined, some of which posit that this whole area is not helpful or not important, and others of which grant that it matters, but in defined ways.

Expansive approaches to military ethics education, embracing the cultural dimensions of military ethics, are similarly not all the same. The impact of cultural diversity may simply be taken on board as a challenge for the military professional seeking to apply universal principles and values. The questions could quickly become very practical where militaries are in contact with other cultures. How, for instance, should members of the International Security

Assistance Force (ISAF) in Afghanistan have responded to local norms alive in the Afghan National Army, or in the civilian populations which were patrolled by ISAF, which do not fit with the standards which the internationals are attached to? How should cultural diversity within a multinational deployment be dealt with by a professional whose national force is only playing a supporting role – should they accept the norm of the lead actor, or should they find ways to demarcate responsibilities in order to protect their own sense of binding or appropriate norms?

Cultural diversity may, alternatively, be seen as a valuable and vivid demonstration that ethics are a very real presence in a military professional's career and life – not only nice words reflecting an abstract liberal idealism. This is a chief reason for which cultural diversity is invoked in the literature on honour codes.<sup>30</sup> It has also been a feature of the development of academic literature on parallels to just war thinking in non-Christian religious traditions.<sup>31</sup> The two motives may combine: In the ethics course in a military academy, for instance, the space for diversity may be implied in the allocation of class time for a Christian pacifist. They may understand their role – judging by reports from pacifists who have played this role in US and UK ethics courses – to be not only to outline their reasons for adhering to pacifism but also to present their sense of how the meaning of a human life implies serious consideration for the welfare of soldiers and civilians, and the proper treatment of the dead. The stakes are thus very practical, and the lessons offered are intended to raise and at the same time also to transcend cultural or normative differences.

One consequence of the present argument is that a means to clarify why and how teaching about cultural differences should be either restricted or elaborated is of practical interest. This would help to prepare students to understand basic ways in which the impact of cultural diversity is felt in determining what constitutes military ethics. In what follows, three practical contexts are offered to show that different forms of cultural difference remain of interest, even if in a given teaching situation or professional encounter it is judged to be preferable to maintain a restrictive approach in identifying the nature of professional military ethics.

The first type of situation in which culture makes a practical difference is between military units from different countries that serve together on a mission.

30 E.g., Coker, *Waging War* (n 14), and Coker, *The Warrior Ethos* (n 14).

31 John Kelsay and James Turner Johnson, *Just War and Jihad: Historical and Theoretical Perspectives on War and Peace in Western and Islamic Traditions* (Greenwood Press, 1991); David Rodin and Richard Sorabji (eds), *The Ethics of War: Shared Problems in Different Traditions* (Ashgate 2006).




This experience of cultural difference is a common enough experience for peacekeepers, or for participants in other multinational coalitions. The ethical or moral dimension of such differences may be difficult to pin down, because it may be quite contingent institutional and political factors that do most to differentiate rules of engagement or broader differences in terms of military culture. The potential for different ethical cultures to produce a troubling situation for commanders may nevertheless be imagined through a concrete instance: Two military professionals from different militaries serve together on a peacekeeping mission but face different consequences for the same moral failure. One is dishonourably discharged, the other instead faces internal discipline and remains in post. Multinational operations naturally engender tensions where national forces operate under different rules of engagement, or operate with different resources, and there may be an ethical dimension to this. The nature of punishment for moral failure is still more clearly related to the sense of military professionalism. This means it is more likely to strike at the unspoken features of the professional's identity than rules of engagement alone are. A clash at the level of professional identities is potentially more damaging than if the clash can be seen to be simply about technical terms or about rules or procedures that can be portrayed as a response to temporary necessity or as matters of utility. It is not difficult to imagine different institutional responses to ethical failures eroding a multinational corps' sense of commitment to a common mission. The cue for such a breakdown could lie in perceptions of the gravity or magnitude of ethical failure. If the soldiers' ethical failure is gross enough, we will be tempted to argue that both individuals should have received the more serious punishment, the ethical or immediate practical stakes trumping the pluralistic instinct also alive in the governance of a UN or other multinational coalition. Even if this is so, we may still need – for practical reasons – to understand the reasons for the differences between the reactions of the two militaries: it may make a difference in terms of sentencing, and it may make a difference to attempts to ensure the problem does not arise subsequently. The cultural dimension to this can be subtle, and is not easily regulated away: cultures internal to militaries are not only reflected in different regulations but also in different interpretations of regulations, and in different judgements about clashes over virtues such as loyalty and integrity. In one institutional culture it may be perceived that a military officer holds a duty to confess what they have done or witnessed, but in another institutional culture the circumstances in which the act appeared necessary militate against an unwarranted confession.

Secondly, cultural differences between militaries may matter on a mission in a host society with a different set of cultural norms. Our two peacekeepers

serve in Afghanistan, for instance, and one shoots a civilian, recklessly. Let us imagine that it is not clear which peacekeeper fired that shot. One of the pair faces disciplinary consequences that give no satisfaction to the victims' families. The other faces no consequences, while their superiors placate local sentiment through a locally-sanctioned form of public reconciliation activity – an apology is made to village elders, and a sheep is offered as a symbol of contrition, as became the practice for some ISAF commanding officers in Afghanistan during General McChrystal's term as commander of ISAF, for example. What is the right course of action, and is there a right course of action? Would it be important to obtain a confession from the peacekeeper who fired the shot? What is at stake here reflects a number of practical contexts. Some will see this to be pure politics, for others it may be ultimately about the law, and for others still what lies beyond the law is a matter for private conscience. And yet there is also the scope for argument over the need for a common understanding of the respects in which actions reflect the values and *corps d'esprit* of a professional military. On a still more practical or concrete level, an eye on the long-term impact of the ethical choices available may be important for the commanding officers in the field, or for the planners at home preparing for participation in a multinational mission in similar circumstances. Thinking from the perspective of the military professional, too: I would rather face this in a classroom discussion before sitting in a powwow with officers from other military forces wondering for the first time at the different possible responses before me; or before sitting in a courtroom witnessing transitional justice mechanisms about which I had no comparative knowledge.

This leads to a third practical point: there is a genre of questions here, on which a professional military perspective needs to be heard in public discussion. Whereas the voices of political leaders, or religious commentators, and of a range of other civilian voices, are important, the military professional will live with the result of decisions taken about guilt in ways that the politician and the public will not. The military professional faces practical dilemmas where different ethical codes, or different cultural codes, present themselves, practical dilemmas for which lawyers and political leaders are not the natural decision-makers. Insofar as professional military ethical norms are to be distinguished from broader social, political, legal or cultural norms, the public debate should take account of professional military perspectives on where the boundaries lie, and why these boundaries are as they are.

Thinking of this decidedly national political context, there is nevertheless a clear scope for a common body of answers from international military ethics experts to have an impact on domestic debate. There will also be differences of approach or of emphasis amongst military ethics experts. In some militaries,

educators are expected to focus on the personal ethics of military servicemen and servicewomen, commonly because of the perception of a social crisis affecting the military and civilian sphere, and often on the basis of a religious community's engagement or a dominant political party's h personal ethics. In other militaries, these issues are separated from the ethics curriculum so that this curriculum may focus on issues that arise in the context of the deployment of force.

The expansive approach to embracing cultural difference in thinking about military ethics is based on the premise that valuable lessons can be learnt from this diversity by an informed public seeking to understand the real impact of ethical norms in military life. In concrete, ethics in the South African military means addressing AIDS; in the Slovenian military, it has involved addressing marital issues; in the UK, by contrast, such personal issues are dealt with entirely separately from coursework on military ethics, and the military ethics specialist would not be expected to address these subjects in the public arena. The practical judgements about what is appropriate or necessary here – and similarly in respect to other dimensions on which approaches to military ethics diverge – are not based on straightforward judgements about what is normatively right. We may, if this pluralistic framework is accepted, expect a British military ethics educator to allow that an approach is right in the South African context which would not be necessary or appropriate in the UK, and vice versa. The application of restrictive or expansive perspectives can be seen to be very contextual: a different practical judgement about approaches may be taken in different political and institutional frameworks, and the appropriate approach to cultural diversity in the context of different international dialogues may also be judged in very different ways.

At present, cultural difference is not a focus of the international dialogue about military ethics – having in mind in particular the dialogue and the academic publication that has been promoted through initiatives associated with the International Society for Military Ethics. By contrast, cultural differences are very much a natural feature of bilateral practitioner and academic conversations, in contacts, for instance, between Chinese and Western scholars<sup>32</sup> where these differences more obviously impose themselves. The practitioner focus on restrictive approaches currently seems most natural. As military ethics educators join the dialogue from a wider range of cultures, the divergence between restrictive and expansive approaches is likely not to appear to be the automatic default option.

32 See, e.g., P.C. Lo and Sumner Twiss (eds), *Chinese Just War Ethics: Origin, Development, and Dissent* (Routledge 2015).

### **How the Conceptual Relationship between Guilt in Professional Military Ethics and Other Ways of Speaking of Guilt Can Impact on Ethics as it is Taught**

To advance the dialogue across different perspectives requires further reflection on the different practical and conceptual contexts at stake. Those contexts include the practices of those institutions in which teaching takes place, and this brings additional considerations to bear – quite apart from the military, cultural, social and political issues covered to this point. We may examine this internal military context by focusing again on guilt. At the conceptual level, what impact do restrictive and expansive approaches have on the nature of teaching about guilt in the professional ethics coursework that is taught in militaries? And what framework would enable interlocutors with these different perspectives together to navigate the relationship between guilt in professional military ethics and other ways of speaking of guilt?

The correct framework for thinking about guilt might not appear to be complicated if we take as a starting point a more restrictive view of professional military ethics. The various courses in professional military ethics at military institutions in the United Kingdom, for instance, do not give any extended time to reflection on the nature of consequences of guilt, let alone to the cultural forms that confession take in the military. This may be said to reflect a pragmatic British military culture and not a deliberate decision to treat guilt as irrelevant to the promotion of ethical behaviour. The restrictive approach is natural in a practical teaching or institutional context in which talk of guilt is wholly left to the chaplain or to private consciences, or in which international law is the sole basis for attributions of guilt, which can then be dealt with by a court martial or an international tribunal. There has been no formal decision taken in UK military academies or colleges to narrow guilt on any of these bases. The reasoning behind the practice of excluding guilt from a professional military ethics curriculum may be more pragmatic still. By restricting the scope of military ethics, it may be expected that the result will be a simpler teaching, with greater coherence and, because of that, with greater power to direct the attention and behaviour of military professionals.

This restrictive approach to teaching could be pursued even admitting that specific cultural norms do and should affect officers or other professionals. This means taking the restrictive approach in a teaching context, not necessarily with any bearing on the normative approach taken to the essence of professional military ethics. Thus, it may be judged that students should first and foremost see professional military ethics as a useful tool, offering a common basis for practical and professional action even where at a deeper level there

may be no accepted common conceptual basis for action. Thus, while it may be all too obvious to students how greatly Western philosophers divide amongst themselves, the practitioner perspective taken in class may lead a teacher to insist that divergent theoretical responses not be taken as a basis for practical action. A compromise is made on a fuller communication about the nature of ethics, with a view to quick absorption of a practical view of what it means to be ethically compliant in the military.

This restrictive inclination already has a practical impetus behind it in a teaching context within the confines of one national culture which carries within it different sets of ethical expectation. And this is before even broaching questions about common ground across cultures where the fundamental vocabulary of ethics is not clearly shared. But even in a mono-cultural context, the appropriateness of a wider cultural or social framework for teaching about the ethics of practical action may be of doubtful value. From the restrictive perspective, a practical, declarative approach to ethics makes sense of a preference to sideline discussion of areas that may appear to demand an indeterminate, unpractical reflection. Against this temptation, the observer schooled in the diversity of ethical approaches pursued in academia or in other professions today will perceive this narrower pragmatism as limiting. The problem of a narrow definition of practical ethics applies, for instance, where educators working with a situational or case-based approach to ethical decision-making are focused only on the calculation of necessity and utility. If the professional military ethics curriculum is focused exclusively on logical tools available for making hard decisions, an ethics of care may appear secondary in the context of ethical decisions which focus on the purpose to which force is to be applied – more the preserve of the psychologist or the chaplain than the commander. If a narrower or restrictive approach to the curriculum were advanced, similarly focused on calculation of current ethical challenges, then a 'good' approach to teaching British military ethics, for instance, need not investigate other dimensions of the maintenance of institutional ethics. The curriculum needs to address bad practice in the past, in Kenya, or Ireland: good ethics would be adequately constituted by rational practice in the present, not requiring reflection on the lessons taught by prior failings. In isolating the core of the ethical calculation, the personal, institutional and political contexts may even appear a distraction.

On the other hand, moral failure may be deemed to have real political, social or psychological consequences. In what we are calling the expansive perspective, it may be argued that the cultural differences this raises must be an integrated part of the professional's ethics education. Whereas the restrictive approach suggests leaving this to the chaplain or the government's political

advisors, separating commitment to ethics from the decisions which follow moral failure, the expansive approach says that separating the two also risks giving the appearance that our ethical rhetoric is not grounded in realities, that the values of the military are not an institutional reality, and nor are they grounded in the political or cultural reality of the society in which the military sits.

In favour of the expansive perspective, it may be argued that practical realities support the case for basing the ethics class on the consequences of culturally specific approaches to moral failures. This context can be seen to create an immediate and a vivid sense of the enormity of those failures. If this expansive view is taken, then leaving the consequences of ethical and unethical action to private conscience or to the chaplain may make these consequences seem unimportant. Students may focus on their ethics coursework without relating to it. Leaving guilt, punishment, confession, and reparations to the lawyer or to the politician may also make the ethics classroom seem less important to the definition of soldier identity, agency and leadership or decision-making styles than the ethics course is intended to be. And insofar as there are large gaps between philosophers about the definition and foundation of practical or professional ethics, to leave these to one side has obvious risks too: the officer ought to be prepared to know that there are different philosophical perspectives on 'truth' and 'reconciliation' processes following on from the conflicts in which they are prepared to fight; they ought to be aware why it is that combatants in opposing forces will be intellectually prepared to understand silence and confession differently.

The notion of teaching a cross-cultural ethics in the military, going beyond one set of cultural and political presuppositions, remains fairly uncharted territory. One reason for this is the challenge that course designers and teachers naturally think in generalisations about common or secular values, instead of viewing them as diverse or plural in nature. This is as true in secular, liberal classrooms as it is in academies in which ethics is taught by a chaplain, or, as is the case in many avowedly socialist military forces, by an ideological instructor. A bridge to a more embracing approach to cultural difference and ethics does exist in concepts of warrior ethics, built on Greek, Stoic, medieval, Japanese or other historical cultures. Building on the interest of a range of US soldier intellectuals and institutions in ancient warrior ethical practices, Shannon French has led the academic field in developing lessons from this historic resource for the teaching of contemporary military ethics.<sup>33</sup> Viewed with more dispassion, these warrior ethics are engaged with by a variety of other scholars

33 Shannon French, *The Code of the Warrior: Exploring the Values of Warrior Cultures, Past and Present* (Rowman and Littlefield 2003).

less as a model and more as evidence that honour codes are a historic feature governing warfare in ways that reflect both soldier experience and broader power structures in society.<sup>34</sup> Both of these more normative and more descriptive uses of warrior ethics have the merit of implying an interest in the real effectiveness of codes of conduct, in the conditions in which codes of conduct succeed and also those in which they have failed. In the framework of our present reflection on reasons for taking an expansive position towards teaching about diversity across cultures, they have the merit of engagement with ethical cultures that embody irrational shame, without relying upon assumptions about the internal power of guilt to move individuals by itself.

The challenges of more expansive approaches to the nature of guilt in framing moral discourses in the military are not easily wished away once they are recognised. They raise very diverse moral certainties, backed up by a combination of partisan perspectives of a political and a religious or ideological nature, which may divide militaries, and which at least divide them from each other. Discourse about personal guilt, about psychological and spiritual consequences caused by participation in an unjust war, also plays an under-explored role in the so-called revisionist debate initiated by critical philosophers (notably McMahan<sup>35</sup>). These academic revisionists naturally place weight on assumptions about guilt insofar they are unconvinced by the conventional arguments according to which leaders are responsible for *ad bellum* decisions, and 'ordinary' combatants are not. Equally, defenders of the moral case for just wars may depend on features particular to their cultures, on religious values, or on an eclectic mix of warrior cultures chosen for their military utility. Accepting the most particularistic aspects of their normative discourse may be seen to undermine the strength with which professional military ethics reflect universal values and commitments. The two opposing camps – revisionists and just warriors – are grounded in different arguments about the nature of obligation, and these are readily situated in divergent assumptions in the early Christian just war literature about guilt.

This may be seen in the challenge presented to scholars in the field by Nigel Biggar, for whom the nature of guilt is not a topic that can be lightly skirted past.<sup>36</sup> Biggar sees his intended audience as a wide spectrum of interlocutors, Christian, secular, and ultimately also encompassing interlocutors steeped in entirely different ethical civilisations, though his polemics are primarily aimed at pacifist critics of the Christian just war tradition. At the same time, he argues

34 E.g., Coker, *Waging War* (n 14); Coker, *The Warrior Ethos* (n 14); Robinson, *Military Honour* (n 14).

35 Jeff McMahan, *Killing in War* (OUP 2009).

36 Nigel Biggar, *In Defence of War* (OUP 2013).



that the proper framing for just war thinking is not modern but pre-modern. This conceptual framework is clear for him on the basis that it allows what he takes to be a full moral realism, based on Augustinian thought, which is evident throughout the book. The nature of guilt is one of the weighty foundation stones for this thought, distinct in ways Biggar begins to unpack from a discussion of the theology of guilt, moral good and obligation more commonly used as a conceptual framework for just war theory: that of Thomas Aquinas.

Against either of these Christian intellectual foundations for ethical judgement, in Biggar's judgement, contemporary moral and legal fashions present poor competition. Biggar sees the problem that moral obligations may clash with international legal norms,<sup>37</sup> and responds to this with an observation that will be familiar enough from other literature in the field, that in the clash between moral and legal obligations, the moral obligation is the more important. Biggar's point also appears clearly in classic liberal accounts of the just war theory, with the difference that this potential for a clash between the ethical or moral and the legal is viewed in those accounts to be troubling. This presents, in the secular literature, a particular difficulty if it means that moral obligations will be prove less demanding or less restrictive than legal obligations are; few imagine the problem to lie primarily in moral standards exceeding international legal obligations, though this may be equally troublesome. Biggar is, by contrast, thinking of a set of problems that may arise when states have unwisely agreed to a modern, secular rights-based international law that is not founded on moral realities.<sup>38</sup> In his earlier account, Walzer faulted the legalist paradigm for excluding forms of justification for war that are evidently based on moral obligation.<sup>39</sup> For Walzer, the protection of civilians will be improved by the permissive inclusion of humanitarian preventive wars, for instance, while the 'supreme emergencies' in which the conditions for a just war allows large-scale deliberate harm to civilians will be exceptional.<sup>40</sup> Walzer's permissive approach to obligation has been the subject of criticism since the first publication of his book. It continues to be so, largely on the grounds of disagreements about what constitutes an obligation the breach of which constitutes guilt, there being very different philosophical commitments undergirding Walzer's position and that of many of his critics.<sup>41</sup>

37 Biggar (n 36) esp. Chapters 5 and 6.

38 Biggar (n 36) Chapters 5, 6.

39 Walzer (n 4) 72 f.

40 Walzer (n 4) 251–254.

41 For a recent addition to the related literature, see Kieran Oberman, 'The Myth of the Optional War: Why States are Required to Wage the Wars they are Permitted to Wage' (2015) 43 (4) *Philosophy & Public Affairs* 255–286.

For Biggar, the situation in which the agreed law of the time needs to be overridden may not be exceptional. That he sees it may be far more common reflects his scepticism about the moral foundations provided by liberal individualism, which appears from his perspective to be embedded in international law (a point which many will see as arguable in relation to the actual state practice of the Law of Armed Conflict). It may well, in Biggar's view, be moral for a state to discard ill-judged liberal commitments to the protection of civilians where these are not practical for a mission to prevent further wrongdoing.<sup>42</sup>

The more expansively a classroom engages with these diverse approaches, the more rigorously the class must be prepared to situate the accepted practice of their own institutions within this wider academic debate. An expansive approach to the teaching of military ethics entails an engagement with a range of approaches to ethical issues which are not shared: contextualising them, teasing out their implications, examining approaches designed for very different social and cultural circumstances which do not translate straightforwardly into today's militaries. The task implies a large knowledge base and the ability to draw on a range of disciplines and cultural resources. The work to be done can expand quickly if the student is to see what is distinctive about Biggar's view of modern humanistic just war theory, or about Coker's work on the warrior ethos,<sup>43</sup> and to be able to place these interpretive frameworks in an appropriate military context, in a political context, and in their social and cultural context. To encompass judgements about guilt, shame and honour in our curriculum implies a much greater need to engage with cultural specificities, on the grounds that this is the real driver of ethical conduct, than is needed if a narrower consequentialist approach or a straightforward declarative approach to military values will suffice.

## Conclusions

This essay argues for the need for an embracing conceptual framework to advance understanding of effective professional military ethics across militaries internationally, given that very different approaches exist. We began with a general conceptual framework relating restrictive and expansive understandings of what makes effective professional military ethics, a framework which need not imply a normative judgement of which approach is better, but which

<sup>42</sup> Biggar (n 36) Chapters, 4, 5, 6.

<sup>43</sup> Coker, *Waging War* (n 14); Coker, *The Warrior Ethos* (n 14).

takes both seriously instead of suggesting that these differences of approach are purely academic. We then used, as a device to help reflection, practical examples relating to guilt and its consequences, and particularly relating to confession, to show how these differences of approach can relate to the realities that some will describe as cultural norms, others as current or historic practices. These practical contexts are diverse, with the implication for our straightforward 'restrictive-expansive' schema that there may be diverging practical considerations that lead ethicists, decision-makers or teachers to want, or to need, to borrow something from each of the approaches.

We have ended with reflections on deliberately normative differences over the nature of obligation in war, points that are generally of more central concern in the ethics classroom than conceptions of guilt or practices of confession are. At the outset of the essay, it was noted that our choice to review the treatments of guilt in a professional military ethics context creates a distinctive framing device for our discussion of what constitutes the grounds for a restrictive approach to cultural diversity, and by contrast what would make an expansive approach natural. The differences between motivations for taking restrictive and expansive positions might appear entirely different if we were to choose other problems for consideration.

At the end of the essay, we have suggested that the consequence of focusing instead on the normative topics which divide just war theorists and public intellectuals alike is to see that the same diversity of approach to the appearance of deeply-held assumptions about guilt applies, if only the academic literature reveals it more deliberately than is common in ethics classes in the military context. The two facets of our discussion – under-explored assumptions about guilt and publicly contested approaches to morality and the laws of war – are clearly related. Our concluding reflections on different normative approaches to guilt, permission and obligation have suggested that this shift to a wider, more publicly debated normative thematic focus raises as much complexity and as much passionate disagreement as we would find by embracing the private, religious or social constructions of guilt and confession. Indeed, even amongst the most avowedly secular revisionist philosophers, these subterranean concerns, of guilt, and of spiritual welfare, are evoked again in relation to the nature of moral obligation, albeit that they are presented in forms that open up reflections of a more universal, philosophical nature.

At the centre of the present essay is the account given of the real practical value contained within the dialogue across these differences for militaries cooperating in the field, for military educators seeking depth or rigour in their classroom, and for cross-national understanding in view of the public concern at the consequences of ethical breakdowns within militaries today. Put simply,

where differences across militaries are real, it is as well to understand whether those differences are political, cultural, or simply organisational, and it is well to understand what consequences they may have for normative thinking. If we accept that practical approaches to ethical commitment and to ethical failure can be embedded in very different cultural norms – whether these be about the nature and consequences of guilt, or more narrowly about the nature of obligation or the nature of right intention – this element of the foundation of professional military ethics projects will be seen to lie beyond the two common bases of a more restrictive scope for ethics education, declarative codes of values and logical tools for calculating the consequences of contestable actions.

If the spectrum of responses seen in the literature or seen in the classroom of the military academy runs between restrictive and expansive positions, these distinctive approaches do not exclude mixed practices, involving different judgements about philosophical and practical coherence and diversity. Educators working in established military ethics programmes may be more familiar or more comfortable with a narrower focus for the teaching of ethics, aware that this carries risks. There are ethics instructors who instead will be more familiar with ideologically or culturally specific teaching which embraces the consequences of guilt, and again there are risks to embracing this within teaching representing the nature of a professional military, too.

Any position on this spectrum between the two theoretical extremes raises questions for the developing international dialogue about current norms for military professionals. In different cultural contexts, it may be more natural to reach for one of the two polar opposites, in spite of the problem areas that will remain on the margins of inquiry: questions such as, what is guilt? Or what can be demanded in the name of a permissive obligation? This essay suggests that the lack of certainty or the evidence of difference amongst educators internationally is a reason for engaged partners to treat this dimension of the academic dialogue about professional military ethics more seriously. It is also a reason for the classroom curriculum to give adequate background to those students who may face this in the field. The more we demand that our professionals serve alongside and 'amongst' people of different cultures, the more a full account of the social and cultural influences which make for different ethical sensibilities will appear to be a valuable investment.